

## Indiana Adoption Program Desk Guide

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### Indiana Adoption Program Overview

The Central Eligibility Unit (CEU) is responsible for the administration and determination of eligibility for the Indiana Adoption Program. The adoption program consists of three types of adoption assistance:

- Medicaid;
- Nonrecurring Adoption Expenses (NRAE); and
- Title IV-E Adoption Assistance Program (AAP) or State Adoption Subsidy (SAS)

Once the completed Adoption Program Application and all required documents are received, CEU will make a determination of eligibility.

#### 1. Medicaid

Medicaid is medical assistance for which children receiving adoption assistance may be eligible. If a child is determined eligible for AAP, the child will be automatically eligible for Medicaid. If a child is determined eligible for SAS, the child will be eligible for Medicaid if the child is determined to have a medical, physical, mental, or emotional condition that either exists or to which the child has a genetic predisposition prior to the adoption finalization.

#### 2. Nonrecurring Adoption Expenses (NRAE)

If the child meets all of the Special Needs requirements, the adoptive family may receive a one-time NRAE payment of up to \$1,500.00. CEU must make the eligibility determination and complete the appropriate agreement for NRAE.

#### 3. Title IV-E Adoption Assistance Program (AAP)

To be eligible for AAP the child must meet all of the following criteria:

- Child meets at least one (1) of the categorical eligibility requirements;
- Child meets all three (3) of the special needs requirements;
- Child is a US citizen; and
- Adoptive family meets the background check requirements

If eligible for AAP, the child, or their adoptive parent, will receive:

- A negotiated adoption assistance periodic payment (per diem)
- NRAE
- Medicaid

**Note:** Upon finalization of the adoption, the child will receive the negotiated periodic payment amount. The negotiated adoption assistance periodic payment amount cannot exceed the foster care per diem amount the child would receive if the child were in foster care.

#### 4. State Adoption Subsidy (SAS)

If the child is not eligible for AAP, the child may be eligible for SAS. To be eligible, the child must be:

- Two (2) years of age or older, or a member of a sibling group with at least one (1) child who is two (2) years of age or older being adopted by the same parent;
- Meet all of the following criteria:
  - DCS has placement and care of the child (a ward of DCS);
  - Child meets all three (3) special needs requirements;
  - Child is a US citizen; and
  - Adoptive family meets the background check requirements

Upon finalization:

- If funding is not available, the child will be put on the SAS Waiting List and the adoption assistance periodic payment amount will not be negotiated until funding becomes available; or
- If funding is available, the child will receive a negotiated adoption assistance periodic payment of up to the daily per diem rate the child received in foster care

Regardless of whether the child is receiving SAS funding or is on the SAS Waiting List, the child may also be eligible for the following:

- NRAE
  - Medicaid (*If the child is determined to have a medical, physical, mental, or emotional condition that either exists or to which the child has a genetic predisposition prior to the adoption finalization*)
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#### Special Needs Requirements

A child must be determined to meet the definition of special needs in order to be eligible for any type of adoption assistance. CEU will review the documents submitted with the Indiana Adoption Program Application and will determine whether the child meets the special needs definition. A child must meet all three (3) of the following requirements in order to be determined to meet the special needs definition.

1. The child cannot or should not be returned to the home of his or her parents. Each parent must meet at least one (1) of the following:
  - Voluntary or Involuntary Termination of Parental Rights;
    - Court order with termination of parental rights
    - Signed consents or voluntary relinquishment
  - Death;
  - Putative Father Registry check with no results;
  - Petition for Termination of Parental Rights; or

- No consent needed under IC 31-19-9-8 as determined by a court
- 2. There exists a specific factor or condition which makes it reasonable to conclude that the child cannot be adopted without providing financial assistance or Title XIX Medicaid. Specifically, the child must meet one (1) of the following:
  - The child is two (2) years of age or over;
  - The child is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who will be placed with the sibling group in the same home; or
  - The child has a qualifying medical condition or physical, mental, or emotional disability as determined by a physician, psychiatrist or psychologist licensed to practice in Indiana, another state, or territory
- 3. A reasonable, but unsuccessful effort has been made to place the child for adoption with appropriate parents without providing adoption assistance unless it is against the best interest of the child. Specifically, the child must meet one (1) of the following:
  - The child's photo was listed with the Indiana Adoption Resource Exchange (SNAPS) for a minimum of 6 months;
  - Adoptive parent(s) could not be recruited who were able to meet the child's needs without the use of adoption assistance; or
  - The child is being adopted by a relative or the foster parent with whom the child has developed strong emotional ties

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## Categorical Eligibility Requirements for AAP

In order to be eligible for Title IV-E AAP, the child must be under age 18 and meet at least one (1) of the following Title IV-E categorical eligibility requirements (in addition to all three (3) of the special needs and background checks requirements):

### 1. AFDC Eligibility

The child meets the Aid to Families with Dependent Children (AFDC) eligibility requirements at the time of removal from his/her home and there is a court order with a finding of Best Interest/Contrary to the Welfare, commonly called BI or CTW. CEU will review the information in ICWIS and other requested documentation to determine eligibility for AFDC. Below is a summary of the AFDC eligibility requirements:

#### *A. Best Interest or Contrary to the Welfare Language Findings*

The first court order that coincides with and sanctions the removal of the child from the home must contain a finding that includes Best Interest or Contrary to the Welfare language, such as the following:

- It is in the best interest of the child to be removed from the home environment, and/or
- It is contrary to the welfare of the child to remain in the home

### ***B. Financial Need***

A financial need determination is made for each child based on earned/unearned income and resources/assets available to the family during the month the child was removed from the home. Each member of the removal household must be documented and evaluated for inclusion/exclusion in the assistance group (AG). Individuals in the AG have their income and assets considered in making the financial need determination.

In order to be eligible, the AG cannot have resources or assets that exceed \$10,000. In addition, the AG may not have unearned/earned income that exceeds the following amounts after applicable disregards:

| <u>AG with Parent or Caretaker</u> |                              | <u>AG with Children Only</u> |                              |
|------------------------------------|------------------------------|------------------------------|------------------------------|
| AG Size                            | Need Standard<br>(per month) | AG Size                      | Need Standard<br>(per month) |
| 1                                  | \$155                        | 1                            | \$155                        |
| 2                                  | \$255                        | 2                            | \$220                        |
| 3                                  | \$320                        | 3                            | \$285                        |
| 4                                  | \$385                        | 4                            | \$350                        |
| 5                                  | \$450                        | 5                            | \$415                        |
| 6                                  | \$515                        | 6                            | \$480                        |
| 7                                  | \$580                        | 7                            | \$545                        |
| 8                                  | \$645                        | 8                            | \$610                        |
| 9                                  | \$710                        | 9                            | \$675                        |
| 10                                 | \$775                        | 10                           | \$740                        |

**Example:** Andy and Dominic are removed from their mother. No one else lived in the home at removal, and all three individuals can be included in the AG. **This family could not have earned/unearned income that exceeds \$320 in the month of removal after any applicable disregards.**

### ***C. Deprivation***

For the purposes of Title IV-E, deprivation means that a child was deprived of the support or care of one (1) or more parent at the time of removal due to one (1) of the following:

- **Death:** death of a parent prior to removal;
- **Continued absence from the home,** including: Separate addresses of the parents; incarceration; artificial insemination; single parent adoption; or abandonment;
- **Physical or mental incapacity of a parent,** as evidenced by: Receipt of SSI or RSDI benefits for disability; or a medical report from a physician indicating that the incapacity will exist for at least 30 days, and impairs the parent's ability to work and care for the child;
- **Underemployment,** defined as one of the parents living in the home who is an underemployed principal wage earner (PWE) with a work history, proven by:
  - Establishing the parent who is the PWE, which is defined as the individual who earned the greatest amount in the 24-month period prior to the child's removal; and
  - Documenting that the PWE meets one (1) of the following:
    - The PWE was employed less than 100 hours in the month of removal; or

- The PWE was employed less than 100 hours a month for the previous two (2) months, and is expected to work under 100 hours in the next month; or
- **Unemployment**, defined as one of the parents in the home who has a work history, and who is currently unemployed, proven by:
  - Establishing the parent with a work history is the principal wage earner (PWE), which is defined as the individual who earned the greatest amount in the 24-month period prior to the child's removal, and
  - Documenting that the PWE has a work history of one (1) of the following:
    - Six (6) or more quarters in a 13-quarter period ending anytime within one (1) year prior to the removal month during which they earned \$50 or more;
    - Participated in a community work experience or work incentive program; or
    - Documenting that the PWE received, or was eligible to receive, unemployment compensation benefits (UCB) any time in the year prior to the removal month

#### ***D. Specified Relative***

The child must have lived with a specified relative within six (6) months of removal from the home, which the BI/CTW language in the removal order is against. A specified relative is anyone related to the child within the 5<sup>th</sup> degree of kinship, including those related by blood, adoption or marriage, even if the marriage has ended due to death or divorce.

#### ***E. Citizenship and Age***

The child must be under the age of 18, and must have status as a US citizen or qualified alien.

### **2. SSI Eligible**

The child is eligible to receive Supplemental Security Income (SSI) benefits prior to the finalization of the adoption.

### **3. Prior Adoption Eligibility**

The child was previously adopted and a recipient of IV-E Adoption Assistance.

### **4. Minor Parent Eligibility**

The child was placed with a minor parent who is in foster care and is receiving Title IV-E foster care maintenance payments for him/herself and the child.

### **5. Applicable Child Eligibility**

In order for a child to be eligible for AAP through the Applicable Child criteria, the child must be a child for whom an adoption assistance agreement was signed after 10/1/09 and who meets the following criteria:

- The child meets the current Federal Fiscal Year (FFY) age requirement (*see the Age Table below*); or
- The child has been in a foster care placement for 60 consecutive months (*this includes but is not limited to foster family or relative homes, residential placements or a trial home visit but does NOT include detention facilities or psychiatric hospitals; a child must have been in foster care for at least one day in a month, to include the month in the calculation of the 60 consecutive months*); or

- The child is a sibling of an applicable child who will be adopted by the same parent

AND

- The child was removed from the home and the first court order sanctions the removal and has a finding of BI/CTW; or
- The child meets the medical and disability requirements of SSI; or
- Is the child of a minor parent and was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from their home pursuant to one (1) of the following:
  - A involuntary removal in which the first court order sanctions the removal of the minor parent and contains a finding of BI/CTW; or
  - A voluntary placement agreement or voluntary relinquishment; or
- The child was IV-E eligible in a prior adoption that has dissolved or the adoptive parent(s) have died

#### *Federal Fiscal Year (FFY) Age Table*

The connection between the AFDC requirements and Title IV-E adoption assistance will be gradually phased out over an eight (8) year period. The applicable child age phase in began at age 16 in FFY 2010 and decreases by two years of age for each subsequent FFY until FFY 2018 when all children will meet the age criteria. The below table details the age requirement for each FFY:

- Age 12 or older in FFY 2012 (or will turn age 12 within FFY 2012)- DOB on or prior to 9/30/2000
  - Age 10 or older in FFY 2013 (or will turn age 10 within FFY 2013)- DOB on or prior to 9/30/2003
  - Age 8 or older in FFY 2014 (or will turn age 8 within FFY 2014)- DOB on or prior to 9/30/2006
  - Age 6 or older in FFY 2015 (or will turn age 6 within FFY 2015)- DOB on or prior to 9/30/2009
  - Age 4 or older in FFY 2016 (or will turn age 4 within FFY 2016)- DOB on or prior to 9/30/2012
  - Age 2 or older in FFY 2017 (or will turn age 2 within FFY 2017)- DOB on or prior to 9/30/2015
  - All ages in FFY 2018
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#### **Background Check Requirements**

All of the following background check requirements must be met in order for the child to be eligible for adoption assistance benefits. All background checks for adoptive families in Indiana must be completed within one (1) year of the date of the application for subsidy.

- FBI fingerprint checks must be completed for all members of the adoptive household who are 18 years of age or older
  - The individual's results are reviewed by the Central Office Background Check Unit (COBCU), and they must be issued a letter that says they are 'Qualified'

- If results received are 'Disqualified' due to a previous conviction, the individual may apply to the COBCU for a waiver. The results 'qualified by waiver' are acceptable for the purposes of subsidy.
- Child Protective Services (CPS) checks must be completed on all members of the adoptive household who are 14 years of age or older. If a household member has a substantiated abuse or neglect history a waiver must be granted by COBCU.
- Sex Offender Registry (SOR) checks must be completed on all members of the adoptive household who are 14 years of age or older

**Note:** If the adoptive family is adopting a DCS ward and resides in another state, consult the Adoption Homestudy and the regulations for background checks in that state with their child welfare agency.

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### Documentation Submitted to CEU for an Eligibility Determination

The following documentation must be submitted to CEU in order for an adoption assistance eligibility determination to be conducted. Adoption Forms are located at:

<http://www.in.gov/dcs/2831.htm>

1. Completed, signed by the parents and the FCM, Indiana Adoption Program Application with a date of the adoption hearing if known or an estimated date
2. Qualified Fingerprint Letters on every household member 18 years of age and older dated within one (1) year of the adoption assistance application signature date
3. CPS check for all household members 14 years of age and older, signed or initialed and dated by the DCS staff completing the check within one (1) year of the adoption assistance application signature date
4. SOR for all household members 14 years of age and older, signed or initialed and dated by the DCS staff completing the check within one (1) year of the adoption assistance application signature date
5. Explanation of Indiana Adoption Program and Background Information form signed by each adoptive parent
6. Proof of 'Cannot or Should not return home' documented for each parent by one (1) of the following:
  - a. Voluntary or involuntary decree dates entered into ICWIS;
  - b. Court order terminating the parents rights to the child;
  - c. Signed consents of the parent; 'Voluntary Relinquishment', 'Consent to Adoption', 'Consent to Termination' or other similar document;
  - d. Death Certificate or date of death entered into ICWIS;
  - e. A 'Petition for Termination' filed with the court by the local office;

- f. In the event of an unknown father, an Affidavit or confirmation from the Putative Father Registry indicating no fathers have registered; or
  - g. Documentation the court in the adoption case has determined that consent of the biological parent is not required under IC 19-9-8
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### Termination of Adoption Assistance Payments

AAP or SAS payments may terminate, under but not limited to any of the following circumstances:

- 1. The child reaches age 18
  - 2. The child becomes emancipated
  - 3. The adoptive parent is no longer legally responsible or financially supporting the child
  - 4. The adoptive parent(s) or child dies
  - 5. The child marries
  - 6. The child is on active duty in the United States armed services or National guard for more than 30 consecutive days in a calendar year
  - 7. The child's adoption is terminated
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### Important Reminders

- 1. Refrain from telling the prospective adoptive parent(s) they **will** be eligible for adoption assistance before receipt of the *Final Adoption Program Eligibility Determination* from CEU. Even if it appears a child meets the eligibility and special needs requirements, wait to inform the prospective adoptive parent(s) of the child's eligibility until the eligibility determination is received from CEU.
- 2. The Adoption Agreement must be signed by all parties prior to the finalization of the adoption; otherwise, the child **is not** eligible for any adoption assistance.
- 3. The NRAE eligibility determination is included with the adoption assistance determination.
- 4. Prior to the finalization of the adoption, the adoptive parent needs to complete training requirements described in DCS policy Chapter 12.5 Pre-Service Training Requirements.
- 5. Be prepared to send extra documentation to CEU if requested or update ICWIS if data is identified as being incorrect. The requested information or correction to ICWIS data is required for the determination of adoption assistance eligibility.